

# County of York

## Memorandum

DATE: June 12, 2008

TO: The Chesapeake Bay Board

FROM: Kent Henkel, Environmental Technician  
Melinda Dunlap, Environmental Technician

SUBJECT: Chesapeake Bay Board Application 2008-114 for 108 Anchor Lane

The applicant is requesting an exception to construct a 4.5 foot wide eco-paver walk in the 100-foot Resource Protection Area (RPA) buffer along Boathouse Creek. The RPA buffer heavily impacts this lot due Boathouse Creek and Willett Cove.

Guidance provided in the Chesapeake Bay Local Assistance Department Riparian Buffers Modification Guidance Manual states that paths should be 2 feet wide with native vegetation or mulch used to cover exposed soil. It notes that wheelchair paths will need to be wider. The guidance adds that impervious paving material should not be used for residential pedestrian paths, except for stepping stones. Paths designed for those with disabilities can be made from semi-permeable stone compacted to an accessible surface.

County staff has proposed administrative approval of an eco-stone path up to three feet wide. The applicant is requesting a 4.5 foot wide eco-stone path. Therefore, this request is before the Board.

The proposed eco-stone path is approximately 405 square feet of total area. The existing impervious area on the lot is approximately 17.4%.

Should the Board determine the application meets the findings, Staff would require the following.

- Two inspections of the construction of the eco-stone path.
- Mitigation will be required for the 405 sq. ft. of RPA buffer that is being covered with eco-stone. Because the existing impervious is over 16% on the lot the total mitigation will be for 810 square feet. Four hundred and five square feet is self mitigated with the proper installation of the eco-stone. The remaining 405 square feet will be mitigated by buffer restoration plantings.
- Executed BMP maintenance agreement. The recordation of a BMP maintenance agreement and the annual re-inspection will insure the long-term water quality function of the BMP's.

**The Board must determine if the application meets the following CBPA findings:**

Finding 1: The requested exception is the minimum to afford relief.

Finding 2: Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are subject to CBPA provisions and are similarly situated.

Finding 3: The exception is in harmony with the purpose and intent of the CBPA Act and is not of substantial detriment to water quality.

Finding 4: The exception request is not based upon conditions or circumstances that are self-created or self-imposed.

Finding 5: Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.

Finding 6: Other findings, as recommended by the CBPA Manager and deemed appropriate by the board, are met.